

Introduced by Senator Soto

February 20, 2003

An act to amend Section 20963 of the Government Code, relating to state employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as introduced, Soto. Public employees' retirement: service credit.

Under existing law, state, school, and school safety members of the Public Employees' Retirement System who retire within 4 months of separation from employment are credited with one day of service credit for each day of unused sick leave, except as specified.

Under this bill, managerial, confidential, supervisory and other specified state employees would be credited at retirement with an hour of service credit for each hour of unused sick leave.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20963 of the Government Code is
2 amended to read:
3 20963. (a) A state member, other than a state member
4 described in subdivision (b), or a school or school safety member,
5 whose effective date of retirement is within four months of after
6 separation from employment with the employer subject to this
7 section that granted the sick leave credit, shall be credited at his or
8 her retirement with 0.004 year of service credit for each unused
9 day of sick leave certified to the board by the employer. The



1 (b) A state member who is excluded from the definition of state
2 employee under subdivision (c) of Section 3513 shall be credited
3 at his or her retirement with one hour of service credit for each
4 unused hour of sick leave certified to the board by the employer.

5 (c) The certification shall report only those days or hours of
6 unused sick leave that were accrued by the member during the
7 normal course of his or her employment and ~~shall~~ may not include
8 any additional days or hours of sick leave reported for the purpose
9 of increasing the member's retirement benefit. Reports of unused
10 days or hours of sick leave shall be subject to audit and retirement
11 benefits may be adjusted where improper reporting is found.

12 (d) Until receipt of certification from an employer concerning
13 unused sick leave, the board may pay an estimated allowance
14 pursuant to this section. At the time of receipt of the certification,
15 the allowance shall be adjusted to reflect any necessary changes.

16 (e) Notwithstanding any other provisions of this part, this
17 section ~~shall~~ does not apply to local members other than local
18 miscellaneous members employed before July 1, 1980, by a school
19 district that is a contracting agency or those school safety members
20 employed before July 1, 1980, by a contracting agency that is a
21 school district or community college district, as defined in
22 subdivision (i) of Section 20057.

23 (f) This section ~~shall~~ is not be applicable to (a) any person who
24 becomes a school member on and after July 1, 1980, and any
25 person who becomes a local member employed, on and after July
26 1, 1980, by a school district that is a contracting agency whether
27 or not the person was ever a school member or local member prior
28 to that date, or (b) a state employee, with respect to sick leave
29 credits earned as a state member under Section 21353.5, except
30 that the member shall be entitled to receive credit under this
31 section for the sick leave he or she has earned as a state member
32 subject to any other retirement formula, provided the member has
33 a sick leave credit balance remaining at the time of retirement.

34 (g) For the purposes of this section, sick leave benefits
35 provided to state employees pursuant to the state sick leave system
36 shall be construed to mean compensation paid to employees on
37 approved leaves of absence on account of sickness.